

**P L A N N I N G   C O M M I S S I O N**  
**A C T I O N   M I N U T E S**  
**T U E S D A Y ,   A U G U S T   1 7 ,   2 0 0 4**

Chair Gibson called the meeting to order at 7:00 p.m. at the Twin Pines Senior and Community Center.

**1.      ROLL CALL:**

Present, Commissioners: Gibson, Parsons, Frautschi, Dickenson, Long, Wozniak, Horton

Absent, Commissioners: None

Present, Staff: Community Development Director Ewing (CDD), Zoning Technician Froelich (ZT), City Attorney Savaree (CA), Recording Secretary Flores (RS)

**2.      AGENDA AMENDMENTS:   None**

**3.      COMMUNITY FORUM (Public Comments):      None**

**4.      CONSENT CALENDAR**

**4A.    Planning Commission Minutes of 7/6/04 and 7/20/04**

**MOTION: By Commissioner Frautschi, seconded by Commissioner Dickenson, to accept the Minutes of July 6, 2004 as presented.**

**Ayes: Frautschi, Dickenson, Long, Horton, Wozniak, Parsons, Gibson**

**Noes: None**

**Motion passed 7/0**

**MOTION: By Commissioner Frautschi, seconded by Commissioner Dickenson, to accept the Minutes of July 20, 2004 as presented.**

**Ayes: Frautschi, Dickenson, Long, Horton, Wozniak, Parsons**

**Noes: None**

**Abstain: Gibson**

**Motion passed 6/0/1**

**5.      PUBLIC HEARINGS:**

**5A.    PUBLIC HEARING – 2406 Coronet Boulevard**

To consider a Single-Family Design Review and Variance to construct a new 3,456 square-foot single-family residence that is below the zoning district permitted 3,500 square feet for this site.

(Appl. No. 03-0111)

APN: 044-241-380; Zoned: R1-B (Single-Family Residential)  
CEQA Status: Categorical Exemption per Section 15303, Class 3(a)  
Applicant: Javier Chavarria  
Owners: Curtis and Lynn Wright, Celestino and Manuela Aguiar

CDD Ewing summarized the staff report, recommending adoption of the draft resolution with the conditions of approval as attached.

C Wozniak asked how far the driveway and stairway abut into the public right-of-way. CDD Ewing checked the site plan and concluded that it is approximately 12,' noting that it is not uncommon on hillsides for the street pavement to not fill out the right-of-way, and that building a stairway or other improvements on the public right-of-way is a function of the grade.

C Frautschi thanked the Recording Secretary for providing the Minutes of 8/15/2000 regarding this site and asked staff to respond to several issues raised in the letter from the Kogan family at 2408 Coronet. CDD Ewing responded that since the City's findings for review of single-family design review do not allow protection of private views in evaluating a project, they are not available to the Commission for purposes of reviewing this project. With regard to grading and drainage, CDD Ewing noted that the project's geotechnical report identifies the underlying stability issues that would be needed to maintain the stability of the site. When the project goes into building plan check, a drainage plan will be required for review by the grading plan check inspector in the Public Works Department. He added that the drainage will have to be channeled to a public drain, which would typically be either the street or other public drain system.

C Frautschi asked for clarification of the mention of a parking bay in the Arborist's report. CDD Ewing responded that the original site plan did show a parking bay to be developed in the public right-of-way but was deleted from the final project after recent discussion with Public Works staff.

C Frautschi asked if they will be receiving a landscape plan. CDD Ewing stated that the landscape plan shown on the site plan is what staff understands is being proposed.

Responding to C Horton's question regarding the existing stairs and fountain, CDD Ewing stated that the portion of the fountain that is on this property will be removed, and the portion that is on the other property may stay or go, depending on what makes sense.

C Long asked CDD Ewing to elaborate on his statement regarding balancing bulk and grading. CDD Ewing replied that there is no advance formula for determining how to balance the issues of bulk, grading, tree protection and landscape or hardscape, but they are the factors that have to be weighed in tradeoffs when looking at an individual site. He had commented earlier that there was a movement toward minimizing grading to strike that balance. Staff also felt that minimizing grading was an important goal to achieve here, given that that often results in a building that sits up a little higher, the project would not affect public views, and the higher portions of the building would not necessarily be seen from the street, as well as a reduction of truck trips on the street during grading.

C Parsons questioned the comment in the Resolution under Bulk and Grading that "The design results in a tall garage interior, but less than a two-story height." He felt that the garage height floor to finished ceiling of 18'9" shown in the drawings equates to two stories. CDD Ewing stated that the staff report looked at that height and felt that it would be difficult to build two conforming floors, but was not sure that he agreed with that, given the

minimums that are allowed for a floor to ceiling height of habitable structure. He agreed that one could probably do two legal floors in this project that would be of a lower ceiling height.

Javier Chavarria, structural and civil engineer representing JC Engineering in Pacifica, presented overheads showing the original conceptual design of the project, which had been denied due to the massive size of the building, as well slides showing how they envision the completed project. He explained how they arrived at the architectural style and were able to diminish the excavation from the previous designs. He addressed the concerns of a neighbor regarding possible geotechnical problems, noting that they had a comprehensive geotechnical investigation and that they will do whatever is necessary to insure the safety of the site. Regarding a neighbor's concern that their view will be blocked, he presented photographs taken toward the Bay from the deck of the neighbor's home, and the site with the building sitting as designed, observing that the impact on the view will not be great and that the building is staggered in a manner to take into consideration the impact that it may have on the adjacent neighborhoods. Since the project involves deep cuts, he added that an appropriate shoring system is required by the building code, so that he and the geotechnical engineer are going to work very closely to devise a system that minimizes the amount of exposed cuts or excavation.

C Frautschi asked how the contractor envisions staging at the site. Jerry Peterson, Peterson Construction Company, grading and paving contractors based in Campbell, stated that the staging is a challenge but not a job that they don't do every day. He stated that there will be plenty of traffic control; to get the job started they will have to begin at the street, will be shutting down one lane to dig into the hillside, and once they get into the hillside then it's all the way up to the hill from there and gets much easier. Curtis Wright, owner of the property and construction contractor for the project, added that as soon as the grading is done, his company will rock the driveway. All material that is delivered to the site will be kept in the driveway and the street will be kept clean at all times.

Chair Gibson asked for a response to the concern expressed in the neighbor's letter regarding the effect soil excavation will have on their foundation and water drainage. Joel Baldwin, principal engineering geologist of Earth Investigations Consultants, Pacifica, stated that the concept of this development is routine for an up-slope. He noted that the approach is conventional and that the potential for developing instability from the garage excavation is extremely low given the bedrock, which is shallow, and that there's nothing that they've detected that has suggested that there's a threat for houses going down a hill. He added that their job is as Belmont dictates and as recommended in their report, they will make periodic inspections of the project during construction to assure that these kinds of hazards do not develop. Regarding drainage, he stated that it will be improved, not necessarily on the upslope, but across the intervening area between Coronet and the upslope properties by intercepting the water and conducting it in a controlled fashion to the street, unlike the condition today which has caused some of the surface erosion that is seen there now.

Chair Gibson asked Mr. Chavarria if he planned to pour against the rocks rather than using two-sided forms. Mr. Chavarria replied that they will utilize an in-stage pouring method instead of doing a big cut in order to minimize the amount of excavation needed for a self-drain system and also keep control of the amount of exposed cuts at any given time.

CDD Ewing asked the Commission to look at Conditions 6a, 6b and 6c on page 2 of Exhibit "A". He recommended that the word "should" throughout these sections be changed to the word "shall." The Commission concurred.

Chair Gibson opened the public hearing.

Lynn Dinelli, 2408A Coronet Blvd., opposed the project as proposed, stating that she feels it is not in keeping with the size of the other houses in the neighborhood. She felt it would be reasonable to listen to the City Council, which, the last time this property was discussed, felt that the size of the house should be decreased from the then-proposed 3,247 sq.ft. The current proposal is for an increase of 209 sq.ft. She would like to see a reasonable low-key design blending into the hillside, which would require excavation. She believes the top tier will block her view from three different levels; the picture that Mr. Chavarria showed the Commission was from an unattached deck where her husband keeps his tomatoes. She never received the picture that was taken from her porch. She asked the Commission to deny the Variance because it is not reasonable to have a massive house starting at the curb.

Gary Fry, 2408A Coronet Blvd., restated Ms. Dinelli's comments and distributed some photos to the Commission. He expressing concern that the applicant did not provide the pictures taken from their actual living area. He believes that they are going to see a massive wall from their living room, and that it will take years for mature enough landscaping to tend to have a house of that size and face blend into the neighborhood.

**MOTION: By Vice Chair Parsons, seconded by Commissioner Dickenson, to close the public hearing. Motion passed.**

Responding to questions from Commissioners, CDD Ewing stated that: 1) it did not appear that the earlier proposal had been appealed to the City Council; 2) staff did not do any averaging of the square footage of the houses in the area, since there is not a slope factor and it meets the 3500 sq.ft. site requirement; and 3) staff believes that the Variance as proposed is the only way that this site can be accessed without doing massive amounts of grading.

C Long stated that he would be willing to accept the Variance as one of the only ways that this could be built based on the information provided by staff, but had issues with Items A and B under Single-Family Design Review Evaluation. He would prefer to see more grading and less building bulk; bulk is really the issue that he objects to with this project.

Vice Chair Parsons agreed that the proposal does not necessarily fit in with the character of the neighborhood, but his primary concern is that they have built into this house an automatic 400-sq.ft. extra room which would put the house, if it were built with all the legal floors in place, over 3500 sq.ft. He believes there are ways to design this house to cut back on the bulk at the top of the hill and reduce the availability of future square footage being incorporated into the house illegally. He could not support this project with the garage at the proposed height.

C Frautschi concurred with C Long and C Parsons. He would just as soon have the space over the garage become a room and eliminate the upper peaked room that is at the very back. He also had issues with the landscape plan since it does not seem to follow the geotechnical report's recommendation as to how the site should be addressed. Based on staff's recommendation he could approve the Variance but suggested that the item be continued for redesign, looking specifically at reducing the visual bulk and dealing with the garage and the potential problem space.

C Horton agreed with a number of the previous comments and added her concern regarding the safety of the stairs, in that people who might fall down the last flight of stairs would land directly in the street. She agreed that the house is very bulky and felt that the architectural design makes it "grandiose" and even bulkier than if another design were applied. She concluded that she could approve the Variance as long as they could improve the safety issue, and would recommend redesign. She too was concerned about the area over the garage, which would take it up to about 3800 sq.ft.

C Dickenson had issue with the massing of the building. His position was to continue for redesign and collapse the exterior envelope inward to make use of all the space, and try to roll up the staircase away from the street.

C Wozniak agreed with many of the previous comments and expressed sympathy with the private view issue. She felt that the house is too bulky and does not fit in with the size of houses in the neighborhood. She could approve the Variance but not the design.

Chair Gibson agreed that this is the right way to do a house on this site, as opposed to the first iteration with the retaining walls. He had the same concern about bulk and specifically the phrase in Finding A about consistency with the neighborhood.

CDD Ewing recommended that the entire project be continued, in view of the suggestions for redesign of the stairs, with the main issue being to reconsider the project from the standpoint of the bulk and reconsider the floor plan relationship to the garage volume.

**MOTION: By Vice Chair Parsons, seconded by Commissioner Long, to continue the Single-Family Design Review and Variance request for 2406 Coronet Boulevard to a date uncertain (Appl. No. 03-0111).**

**Ayes: Parsons, Long, Dickerson, Horton, Wozniak, Frautischi, Gibson**

**Noes: None**

**Motion Passed 7/0**

Chair Gibson called for a recess at 8:09 pm. Meeting reconvened at 8:15 p.m.

## **5B. PUBLIC HEARING - 550 ISLAND PARKWAY**

To consider a Conditional Use Permit and Design Review to alter and expand an existing AT&T Wireless cellular equipment facility. The proposal includes adding two new equipment cabinets to an existing cellular equipment pad and replacement of two existing pole-mounted antennae with two larger antennae.

(Appl. No. 04-0025)

APN: 040-360-390; Zoned: PD (Planned Development)

CEQA Status: Categorical Exemption per Section 15301, Class 1(a)

Applicant: AT&T Wireless Services

Owner: City of Belmont

ZT Froelich summarized the staff report, recommending approval of the Conditional Use Permit and Design Review applications with the attached conditions.

Responding to questions from the Commission, ZT Froelich stated that the City's Parks and Recreation Department has been maintain the trees on the site, and that the applicant had met all of the previous conditions.

C Long: Raised the question as to whether this is a good opportunity for the City to assure that the lease with AT&T has kept pace with market rates and determine if this application might provide a revenue opportunity for the City. He suggested that the item be continued to allow time to at least get a review by the City Manager, Park and Recreation Director and/or the Director of Finance. CDD Ewing responded that all leases are ultimately approved by the City Council, and that it is probably outside the role of authority of the Planning Commission to look at the finances of a lease. ZT Froelich added that staff had a verbal confirmation that this facility was already taken care of under the current lease but that he did not know the terms of the lease. CDD Ewing was concerned that to connect review of the lease terms to the approval would be expanding the Commission's authority beyond what the code identifies, and suggested that a separate motion encouraging the Council to maximize the lease rates that they can get for this additional antennae might be a more appropriate way to express it.

C Frautschi asked for a definition of the phrase "timely fashion" on page 7 of the staff report, Other Conditions, item 4 ("AT&T Wireless shall be responsible for repair or repainting of the existing and proposed facilities in case of vandalism and must do so in a timely fashion"). Staff responded that the Zoning Ordinance defines "timely" as 72 hours, which can be imposed by enforceable action. C Frautschi added that he brought this issue up because identifying responsibility for vandalism cleanup has been a problem during the course of AT&T's lease of the site. CDD Ewing stated that the answer is that this is a case no different than any other when you're dealing with a landlord and a tenant. The CUP is granted to a tenant to operate within a facility owned by a separate landlord, in this case the City of Belmont; both property owner and tenant are responsible for living up to the conditions.

Phillip Thomas, representing AT&T Wireless, stated that it is his understanding that the lease agreement is not final for this additional equipment and that Parks & Recreation is actually waiting for the Commission's approval so that they can finalize the agreement. He therefore felt that continuing the item would not do anybody any good because it would just put everybody off and that the lease agreement will be amended to include this additional equipment.

CA Savaree stated that there is a long-term lease in effect. Whether or not that lease has the appropriate price in it is not within the Commission's purview but they can ask if what they are considering will affect the lease in any way. She added that if they need that information to feel comfortable about making a decision, then a continuance of this matter might be appropriate.

VC Parsons recalled that when antennae have been added on City property at other times the leases were renegotiated for more money, and he would not want to hold up approval of the project for that reason.

CA Savaree confirmed that only the City Council has the authority to lease City-owned land and Council approves the leases.

Mr. Thomas added that if the Commission wanted to add some trees or irrigation to the conditions it would not be a problem.

Chair Gibson opened the Public Hearing. No one came forward to speak.

**MOTION: By Vice Chair Parsons, seconded by Commissioner Dickenson, to close the public hearing. Motion passed.**

VC Parsons stated that he did not see any reason for delaying the project, but suggested that they clarify that there are 72 hours to comply with graffiti cleanup. He also felt that they not only need to replace the landscaping but repaint the fence, clean up and perhaps add some shrubs in front of the fencing. He also suggested pavement to the gate to reduce the mud, and extension of the sprinkler system so that the trees stand a chance of surviving.

C Dickenson concurred and added that the issue is "landscaping, landscaping, landscaping," and stewardship of that landscaping. He suggested that he'd like to see an AT&T crew maintaining the property and that possibly the City Arborist could follow up in a year to make sure that the landscaping is maturing.

C Horton felt that the trees are not just in poor health, they are dead. She suggested that they should request 4 to 6 more trees, and language that would state that AT&T is responsible for vandalism repair and maintenance of the trees.

C Wozniak generally agreed with the previous comments.

C Frautschi reported that he had done some research on the species of trees that tolerate salty conditions, and found that the California Pepperwood is not a good choice for that site. He learned that the tree that is doing well on the site is an Alder Rubifolia, and that the Alder Rubra performs excellent in brackish areas. He concurred with the other Commissioners that the two trees need to be replaced and there should be four more trees with some plantings and shrubs, and he would like to see tighter enforcement of the vandalism cleanup.

C Long stated that he has no fault with the project, but he would like to see a sentence in the staff report that puts his concerns at ease that all of the appropriate levels of Belmont's City government have been properly notified of this application, and that they have acted on the information provided.

CA Savaree suggested they approve the application subject to all of the additional conditions suggested, and the addition of a sentence in the resolution that would indicate that it is further contingent upon any amendments to the lease that are deemed necessary to the City.

**MOTION: By Vice Chair Parsons, seconded by Commissioner Dickenson, to approve the Conditional Use Permit and Design Review for 550 Island Parkway, with the provision that staff will return with a revised Resolution requiring a landscape plan that includes additional trees of a species approved by the City's Arborist, some shrubs, elimination of the mud hole, sprinkler systems, and repainting of the fence, as well as a provision that the trees will be maintained and will be reviewed by the Arborist at appropriate times. An additional sentence should indicate that approval is**

**further contingent upon any amendments to the lease that are deemed necessary to the City. (Appl. No. 04-0025)**

**Ayes: Parsons, Dickenson, Long, Frautschi, Horton, Wozniak, Gibson**

**Noes: None**

**Motion Passed 7/0.**

Discussion ensued between Mr. Thomas and CDD Ewing regarding the timing of the approval. CDD Ewing explained that the Commission's approval will become final at the next Planning Commission meeting, at which time they should have the actual language of the resolution for review. He added that the delay would not prevent them from filing for a building permit, but the permit could not be issued until there is a final action, and that the final decision may be appealed to the City Council within ten days after the language is finalized.

## **6. REPORTS, STUDIES, UPDATES AND COMMENTS**

### **6A. Review of Planning Commission Satisfaction Survey**

Craig summarized the staff report and gave further details on his plans for improving the quality of services the Commission receives from the Planning staff, as well as their commitment to the performance budgeting process and improved customer service.

Responding to Chair Gibson's question regarding whether or not Commissioners have complete copies of the Downtown Specific Plan, CDD Ewing stated it would depend on which one they have. Staff hopes to have an electronic, up-to-date copy on the web as soon as they can get it wrapped up.

C Long also asked if they could also get an updated copy of the Historical Survey.

C Long thanked CDD Ewing for the candid report and initiated a discussion regarding staff's follow through on study items that are brought up at the end of meetings. He feels those issues sometimes fall through the cracks and would like to see a running checklist of these types of items. CDD Ewing responded that, while they want to be responsive, he calls this their "concierge service" and asked that Commissioners consider contacting the responsible department directly – i.e., Public Works or Parks and Recreation – since those departments have their own complaint tracking systems. Also, they could contact the Code Enforcement Officer directly if it's a question of non-permitted projects. He further explained that it is often a timeliness issue when it becomes difficult to get people to respond the way you want them to, and explained the reasons for the delay in the cases of the Safeway dock doors and the AM/PM Arco. He agreed to investigate to see if they can at least generate a monthly or quarterly report of the permits that have been generated.

Chair Gibson asked if there could be some way that the Commission could occasionally meet jointly with the City Council, perhaps on Saturday mornings, in order to take a longer look at things. Other Commissioners concurred that this would be a good idea. CDD Ewing agreed, but staff would want an agenda in advance so that they would have an opportunity to notify the public and prepare to answer questions that might arise. C Dickenson suggested



that possible items for discussion could be brought to the table at the next three meetings. CDD Ewing also suggested that Chair Gibson contact the Mayor to see what kind of interest he might have in that kind of a joint meeting, and then go from there.

C Long asked if discussion of the Satisfaction Survey will be an annual event. CDD Ewing responded that he felt they should talk about it at least annually, but encouraged Commissioners to call him at any time to express concerns they may have.

C Horton brought up the issue of the word "bulk" as it related to the project discussed during the Public Hearing. She asked if the Commission had ever discussed a design criteria beyond the Downtown Specific Plan that would help people understand what it is they are supposed to be doing. Discussion ensued regarding the desirability of having a design handbook, and CDD Ewing pointed out that they had never been able to obtain a commitment of resources by the Council to prepare one. He stated that there are two aspects of the issue: One is to come up with a policy in the form of design guidelines – a more specific description than what is in the ordinance – and two, a handbook or set of principles to do good site review. He noted that the Graves project will be a good way to find out where the Council stands on the whole issue of bulk and massing. He feels that the neighborhood meetings have reoriented people's thinking in ways that we can't even begin to imagine to avoid problems, because they know they have to face their neighbors before they can try to get around them when they face the Commission. He would like them to think as well that they have to deal with all these good architectural design principles before they even think about dealing with the Commission and that's what a good design manual would do.

C Horton stated that she never forgot her first interaction with Planning in Belmont 10 years previously, when she wanted to put an addition on her newly purchased house. The Planner at the time told her that "what we really don't want in Belmont are large Mediterranean houses on small lots." CDD Ewing emphasized that that is not written down anywhere and questioned the Planner's authority to say that. A design handbook, adopted by a majority vote and with Council approval, would make design comments such as that official.

#### **6B. Project Tracking Update – Development Review Projects**

CDD Ewing noted that he was pleased to see the number of projects that are processed in less than 90-100 days but was also concerned about the number of projects that approach 6 months. He plans to do research into the reasons why some projects went fast and others went slow, and try to identify what are the troublesome aspects. He could then look at whether we want to change some rules or take new approaches to make sure people know about them so they don't become troublesome for the Commission.

#### **6C. Additional Comments**

C Dickenson reported that he had learned that the Parks and Recreation Department had authorized the cutting down of several 30 to 40' redwood trees in Sterling Downs (416 Cornish), in the public right-of-way, because they were pushing up a sidewalk. This "boggled his mind" knowing the amount of resources the City throws in the direction of protecting trees, particularly redwoods and since Sterling Downs is in dire need of some landscape vs. concrete. Vice Chair Parsons felt that this information should be shared with Council and that the City needs to come up with a policy about cutting down heritage trees to save a sidewalk. The Commission concurred that the sidewalk could have been moved or eliminated.

### **7. PLANNING COMMISSION LIAISON TO CITY COUNCIL MEETING OF TUESDAY, August 14, 2004.**

Liaison: Commissioner Dickenson  
Alternate Liaison: Commissioner Wozniak

C Wozniak stated that she will not be available for the next Council meeting. CDD Ewing advised that the Council meeting for the 2<sup>nd</sup> week in August had been cancelled.

**8. ADJOURNMENT:**

The meeting adjourned at 9:30 p.m. to a regular meeting on September 7, 2004 at 7:00 p.m. at Twin Pines Senior and Community Center.